

LEGISLATIVE BILL 24

Approved by the Governor February 24, 1999

Introduced by Landis, 46

AN ACT relating to divorce; to amend section 42-362, Reissue Revised Statutes of Nebraska; to provide for appointment of counsel; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 42-362, Reissue Revised Statutes of Nebraska, is amended to read:

42-362. When the pleadings or evidence in any action pursuant to sections 42-347 to 42-381 indicate that either spouse is mentally ill, a guardian ad litem or an attorney, or both, shall be appointed to represent ~~his or her~~ the interests of such spouse. Such guardian's fee or attorney's fee, or both, when allowed by the court, shall be taxed as costs when allowed by the court and shall be paid by the county if the parties are unable to do so. When a marriage is dissolved and the evidence indicates that either spouse is mentally ill, the court may, at the time of dissolving the marriage or at any time thereafter, make such order for the support and maintenance of such mentally ill person as it may deem necessary and proper, having due regard to the property and income of the parties, and the court may require the party ordered to provide support and maintenance to file a bond or otherwise give security for such support. Such an order for support may be entered upon the application of the guardian or guardian ad litem or of any person, county, municipality, or institution charged with the support of such mentally ill person. The order for support may, if necessary, be revised from time to time on like application.

Sec. 2. Original section 42-362, Reissue Revised Statutes of Nebraska, is repealed.